

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KORPAK, LTD.,

Plaintiff,

-v.-

WILLIAMS LEA INC.,

Defendant.

20 Civ. 6880 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On November 23, 2020, Defendant filed a partial motion to dismiss the Complaint in this action (Dkt. #12), in accordance with the Court's October 22, 2020 Order (Dkt. #10). In brief, Defendant's motion seeks the dismissal of Plaintiff's *quantum meruit*, unjust enrichment, and implied covenant of good faith and faith dealing claims. On December 14, 2020, Plaintiff filed its First Amended Complaint (the "Amended Complaint"), which limits Plaintiff's recovery to two causes of action: breach of contract and account stated. (Dkt. #16). As Plaintiff's Amended Complaint apparently withdraws the claims on which Defendant was seeking dismissal, the Court accordingly must deny Defendant's motion as moot. Defendant is directed to submit a response to the Amended Complaint on or before January 4, 2021.

SO ORDERED.

Dated: December 15, 2020
New York, New York



KATHERINE POLK FAILLA
United States District Judge